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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. MBI-0054

First Inventor JIANG, Cai-Zhong  
Title POLYNUCLEOTIDES AND POLYPEPTIDES IN  
PLANTS

Express Mail Label No. EV 059 357 305 US

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\$66.42  
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1780

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 500]  
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 26]

5. Oath or Declaration [Total Pages 4]

- a.  Newly executed (original or copy)
- b.  Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
  - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

- a.  Computer Readable Form (CRF) (1 of Copy 3)
- b. Specification Sequence Listing on:
  - i.  CD-ROM or CD-R (2 copies); or 2 CD-ROM's (1 of COPY 1; 1 of COPY 2)
  - ii.  paper
- c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))

10.  37 CFR 3.73(b) Statement  Power of Attorney (when there is an assignee)

11.  English Translation Document (if applicable)

12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)

15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)

16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17.  Other: Petition For Inclusion of Color Photographs (3 pp, in duplicate).....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No. \_\_\_\_\_ / \_\_\_\_\_

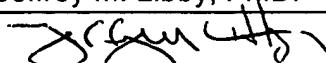
Prior application information: Examiner: \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label  or  Correspondence address below  
(Insert Customer Number or Bar Code Label here)

Name	23678		
	PATENT TRADEMARK OFFICE		
Address			
City	State	Zip Code	
Country	Telephone		Fax

Name (Print/Type)	Jeffrey M. Libby, Ph.D.	Registration No. (Attorney/Agent)	48,251
Signature			Date Sept 18, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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U.S.

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 750.00)

## Complete if Known

Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	JIANG, Cai-Zhong
Examiner Name	To Be Assigned
Art Unit	To Be Assigned
Attorney Docket No.	MBI-0054

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:Deposit Account Number  
Deposit Account Name

50-1025

Mendel Biotechnology, Inc

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	750.00
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>		(\$ 750.00)	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	20	-20** = -0-	x 18.00 = -0-
Independent Claims	3	-3** = -0-	x 84.00 = -0-
Multiple Dependent		0	= 0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		(\$ 750.00)

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

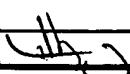
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 0)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Jeffrey M. Libby	Registration No. (Attorney/Agent)	48,251	Telephone 510-259-6138
Signature			Date	Sept 18, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Jiang et al.

Title: **Polynucleotides and Polypeptides in Plants**

Serial No.: TBA Filing Date: Herewith

Examiner: TBA Group Art Unit: TBA

Mail Stop Patent Application  
 Commissioner For Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**PETITION FOR INCLUSION OF COLOR PHOTOGRAPHS IN A UTILITY PATENT**  
**APPLICATION PURSUANT TO 37 C.F.R. §1.84(B)(2)**

Dear Sir:

This is a request under the provisions of 37 CFR 1.84(B)(2) to include at least one color photograph in the above-referenced utility patent application. Applicant herewith includes three (3) sets of the color photographs, specifically Figures 4, 5A-D, 6A-D, 7A-D, 8A-C, 9A-B, and 10A-B.

Applicant has included the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.

10/07/2003 5500000003 501025 10666642  
 01 FC:1460 130.00 DA

Certificate of Express Mailing

I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, addressed to: Mail Stop Patent Application, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date:

Express Mail label number

Signature:

Printed:

Sept 18, 2003

EV 059 357 305 US

Jeffrey M. Libby

Applicant respectfully submits that the inclusion of color photographs in the utility patent application is necessary for the following reasons.

- 1) For Figures 4, 5C-5D, 7A-7B, and 8B-8C, the use of color is advantageous in determining the degree of cotyledon expansion, since the edges of the cotyledons are best identified by contrasting their green color against the background.
- 2) In Figures 6A, 6B, 6C and 6D, and Figures 10A-10B, the effects of water deprivation are best contrasted by comparing the differences in the degree of wilting and color between control and transgenic plants that appear in these photographs. Control plants are wilted and pale or gray-green in color, whereas transgenic plants are less wilted and have a medium green color. This color difference is much more pronounced in the photographs showing the differences after rewatering. Control plants are dead, as indicated by the degree of desiccation and, in particular, their brown color, whereas the transgenic plants recovered, as indicated by their turgor and, in particular, their vivid green color.
- 3) In Figures 5A and 5B, the use of color is necessary to compare the amount of the pigment anthocyanin that is produced by overexpressing (Figure 5A) and wild-type (Figure 5B) seedlings.
- 4) Figure 7C indicates the effects of fungal disease by the formation of fungal mycelia on diseased plants, which is best viewed by contrasting the gray mycelia with the green plants. Fungi also cause a degree of chlorosis in infected, wild-type plants in Figure 7D, but not in overexpressing plants in the same figure; this subtle color difference is best discerned in a color photograph.
- 5) Figures 8A and 9B compare the effects of high salt treatment on plant seedlings. One of these effects in the wild-type seedling is bleaching, i.e., a lack of color, which is, of course, best compared with healthier seedlings in a color photograph.
- 6) In Figure 9A, the effects of a heat assay on overexpressing and wild-type plants is in part discerned by the pale appearance of the overexpressing plants, best viewed by comparing the amount of green pigment in both categories of plant.

The Commissioner is hereby authorized to charge Mendel Biotechnology, Inc., Deposit Account No. 50-1025, the amount of \$130.00, the fee for such a petition as set forth under 37 C.F.R. §1.17(i), or charge the correct fee to said Deposit Account, as the Commissioner deems appropriate.

Respectfully submitted,

Date: September 16, 2003

By: 

Jeffrey M. Libby, Ph.D.  
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Direct Telephone: (510) 259-6138